IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 660 of 2007

BHAIRA RAM & ANR.
V/S
MULA RAM & ORS.

Mr. RS CHOUDHARY for Mr. GR PUNIA, for the appellant / petitioner

Date of Order : 9.3.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The petitioner had filed an application under O. 1 Rule 10 for being impleaded as party defendant while the learned trial court has found that since the petitioners desire to be impleaded as defendant, their impleadment is not ncessary for proper decision of the suit. I do not find any error in this part of the order.

It was contended by the learned counsel for the petitioners that the suit was filed as a representative suit, and therefore, the petitioners' being resident of the same village, and being interested in the cause of the plaintiff itself, by virtue of O. 1 Rule 8(3) C.P.C. they could be impleaded as plaintiff.

Suffice it to say that in that regard there is no application. The writ petition is, therefore, dismissed summarily.

However, it is clarified that it will be open to the petitioner to file appropriate application in accordance with law, and the learned trial court after such application is filed shall consider the same on its own merit in accordance with law.

(N P GUPTA),J.

/Sushil/